UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/532/Add.3
27 July 1994
ENGLISH
ORIGINAL: FRENCH

Forty-eighth session
Agenda item 31

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Note by the Secretary-General

Addendum

This document is the third addendum to the interim report by the International Civilian Mission established in Haiti by the United Nations and the Organization of American States on the situation of democracy and human rights in Haiti (A/48/532, annex). The Special Envoy appointed by myself and the Secretary-General of the Organization of American States, Mr. Dante Caputo, has also submitted this addendum (see annex) to the Secretary-General of the Organization of American States, who is making it available to the member States of that organization. It is circulated herewith, for the information of the members of the General Assembly, in accordance with paragraph 9 of Assembly resolution 47/20 B of 20 April 1993. By its resolution 48/27 B of 8 July 1994, the General Assembly renewed the mandate of the participation by the United Nations, with the Organization of American States, in the international civilian mission in Haiti for a period of one year.

Annex

REPORT OF THE INTERNATIONAL CIVILIAN MISSION IN HAITI

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 20	3
II.	THE HUMAN RIGHTS SITUATION	21 - 67	6
	A. The human rights situation in the Metropolitan area	23 - 50	6
	1. Violations of the right to life	24 - 31	7
	2. Violations of the right to integrity and security of the person	32 - 43	8
	3. Complete denial of the rights to freedom of expression and association of the majority of the population	44 - 50	10
	B. The human rights situation outside Port-au-Prince	51 - 67	11
	1. Extrajudicial executions and suspect deaths	59 - 62	12
	2. Violation of the right to integrity and security of the person	63 - 67	13
III.	INTERNALLY DISPLACED PERSONS	68 - 69	14
IV.	VIOLATIONS OF THE RIGHTS OF CHILDREN	70 - 72	15
V.	RELATIONS WITH THE AUTHORITIES	73 - 87	16
	A. The military authorities	73 - 81	16
	B. The judiciary	82 - 87	17
VI.	IMPACT OF THE MISSION	88 - 89	18
VII.	CONCLUSION	90 - 94	19

Appendices

I.	Extrajudicial executions and suspect deaths reported to the Mission	20
II.	Kidnappings and enforced disappearances reported to the Mission	22
III.	Rapes reported to the Mission	23

I. INTRODUCTION

1. The present report, covering the period from 31 January to 30 June 1994, is submitted pursuant to paragraph 9 of General Assembly resolution A/4720 B of 20 April 1993 on the situation of democracy and human rights in Haiti, in which the Assembly requested the Secretary-General to make regular reports to the Assembly on the work of the International Civilian Mission to Haiti (MICIVH) sent there by the United Nations and the Organization of American States (OAS).

2. The present report deals with the activities of the Mission and the violations of human rights into which investigations have been conducted since the return of the first group of observers at the end of January 1994. A detailed report covering the cases of human rights violations is available in the Secretariat for consultation.

3. As stated in the report of the Secretary-General dated 21 April 1994 (A/41/931), during the period of evacuation of MICIVH (15 October-26 January), in addition to the Executive Director, a small group of administrative personnel was kept in Port-au-Prince. In January 1994, on the recommendation of the Executive Director, 22 observers returned to Port-au-Prince, then 6 on 2 February and, finally, 10 on 13 April, bringing the number of observers to 38. In May, the 39 observers who had remained in the Dominican Republic in evacuation status returned to Port-au-Prince.

4. At the end of June, the mission had 70 observers, 60 from OAS and 10 from the United Nations, and 35 members of the administration, 2 of whom were from OAS and 30 from the United Nations. As of 30 June, the international personnel amounted to 104 staff, deployed as follows:

Management: 1

Investigation and Research Department: 8

Operations Department: 5

Observers deployed: 53

Media Department: 2

Administrative staff: 35

5. Over the period covered, the activities of the Mission have been affected by three types of difficulties - security-related, logistical and political. The security situation did not enable the United Nations to authorize reopening of the Mission's regional offices. In terms of logistics, the reimposition and tightening of sanctions led to difficulties in the supply of fuel, spare parts and office supplies which impeded the normal functioning of the Mission. On the political level, the failure of the initiatives aimed at the relaunching of the political process and the installation of the unconstitutional government of Mr. Jonassaint considerably complicated the situation in which the Mission was operating.

6. In the face of growing international isolation and the tightening of sanctions (suspension of commercial flights by all airlines with the exception of Air France, cancellation of United States entry visas and freezing of the assets of certain individuals supporting the regime) on 11 June the Government of Mr. Jonassaint proclaimed a state of emergency and enacted a series of measures limiting freedom of movement within the country. Representing the sectors most fiercely opposed to the restoration of constitutional order, the provisional government is the narrowest based and most authoritarian of all the de facto governments installed since the coup d'état in 1991.

7. Since the return of the first group of observers, the military authorities and their political allies have not stopped disputing the legitimacy of the Mission, with some asserting that following the evacuation a new agreement was needed in order for the observers to return, and others indicating that the mandate of the Mission expired on 9 February, the date of the exchange of notes between the de facto Prime Minister and the Special Envoy of the Secretaries-General of the United Nations and OAS. For the latter two organizations, however, the cut-off date is 20 April, the date on which in 1993 the General Assembly adopted the resolution on United Nations participation by which the Civilian Observer Mission was established. When the first 22 observers returned, on 31 January it was decided, because of the shortage of fuel and for security reasons, to open only one office in Port-au-Prince. On 24 May, when the last observers returned from the Dominican Republic, a second office of the Mission was opened in Port-au-Prince to increase the capacity for information collection and the conduct of investigations. As of the end of June, 2,493 persons had visited the Mission's premises to re-establish contact or to report human rights violations. The observers have made numerous visits to the districts and suburbs of the capital to investigate reported violations or to re-establish contact with the population, non-governmental organizations and the judicial, civil and military authorities.

8. In addition, teams from the Mission have visited eight of Haiti's nine départements. The purpose of these visits was to re-establish contact with the various sectors of society, obtain information about the human rights situation in the regions visited and investigate serious incidents brought to the attention of the Mission.

9. Between February and October 1993, the observers in Port-au-Prince had opened slightly under 500 investigation files. As at the end of May 1994, the Mission had opened 837 investigation files, and had in addition issued 23 press releases. These figures indicate a considerable increase in the human rights violations reported since the Mission's return, and in the activity of the international observers.

10. One notable consequence of the blocking of the process of restoration of constitutional order is the scepticism and great disappointment felt by the working-class sectors that support the return of President Jean-Bertrand Aristide with respect to the international community, of which the Mission is one of the most visible representatives. These circles have in addition been hard hit by the campaign of violence conducted since last October by the army, its auxiliaries and its allies, hence the staggering increase in the number of asylum-seekers.

11. More than half of the people who have visited the Mission's office have requested its assistance in leaving the country.

12. At the same time, the number of internal displaced persons has continued to increase. In order to escape repression, entire families have fled their places of origin and sought refuge in other parts of the country.

13. Thousands of Haitians seeking refuge abroad were repatriated between January and June 1994. The mass exodus of Haitians on board ramshackle boats is a result, among other things, of the violence practised by the army, its auxiliaries and its allies.

14. Among those who have remained, many remain silent and give the impression, in many parts of the country, that they are no longer attempting to exercise their basic rights. In contrast to the initial months following its deployment last year, between 31 January and 30 June the Mission did not record any distribution of leaflets or any public demonstration in favour of a return to constitutional order. Only one case of posters bearing President Aristide's picture being put up was reported, on 15 May at Petit-Gôave (Ouest département).

15. It is becoming increasingly apparent that the objective of the repression is to destroy the pro-democracy movement. Community organizations in working-class districts, their members and their leaders, who played an important role in Father Aristide's electoral victory, are singled out as targets by the armed forces and the paramilitary groups.

16. On a number of occasions, in the course of meetings with members of the Mission and through press releases, the Haitian armed forces have reported "destabilization attempts by terrorist groups". Individuals who, according to the army, were preparing to commit "terrorist attacks" have been arrested or killed in Port-au-Prince. In three regions of the country (Sud, Nord and Artibonite), the army is reported to have had clashes with presumed terrorists. After investigating these reports, the Mission is not in a position to confirm that the regime which emerged from the coup d'état is faced with organized armed resistance.

17. The authorities have conducted large-scale military operations against such localities as Borgne and Raboteau, whose inhabitants are well known for their resistance to the coup d'état and in which popular leaders known for their support for President Aristide, such as Marc Lamour and Amio Métayer, are living. In the course of these operations, the Haitian armed forces have launched indiscriminate attacks against the civilian population in order to weaken the centres of support for a return to constitutional order and terrorize the population.

18. From all the information collected by the Mission, it is clearly apparent that the violence in Haiti stems from only one side - that of the armed forces, their auxiliaries and their allies. Whether targeted or indiscriminate, the violence aims at terrorizing the population and paralysing the activity of the sectors which support the restoration of the constitutional Government.

19. The persons mainly responsible for the violations of human rights are either members of the Haitian armed forces or groups of armed civilians, apparently well organized and equipped, particularly in Port-au-Prince. Some of these armed civilians are auxiliaries of the military, and act on their orders. Others are gangs of criminals known as "zenglendos", which sow terror at nightfall in the working-class districts. They operate for the most part with absolute impunity, under the cover and with the complicity of members of the armed forces. The participation of members of the armed forces of Haiti in the zenglendos gangs has been proved in some cases.

20. To the traditional agents of repression (army, police and attachés) has been added a new protagonist: the Front révolutionnaire pour l'avancement et le progrès haïtien (FRAPH), recently renamed the Front Révolutionnaire Armé. Born in September 1993 out of the desire of members of the armed forces and civilian opponents of President Aristide to block the process of restoration of constitutional order by political violence, FRAPH has gradually turned into a militia which is involved in human rights violations throughout the country. The massive presence within it of attachés, former members of the armed forces, former tontons macoutes and armed civilians makes FRAPH a paramilitary force. It members often engage in joint operations with members of the army against working-class sectors. Unlike other organizations, FRAPH extensively exercises the rights to freedom of association, expression and assembly. This movement is established in many regions of the territory. The moderate language some leaders of FRAPH have been using for some time now indicates that the paramilitary organization, which has political pretensions, is seeking to achieve a measure of respectability.

II. THE HUMAN RIGHTS SITUATION

21. The Mission does not have full information concerning the general human rights situation in Haiti. Because of the long-term presence of observers in Port-au-Prince, it is better informed regarding violations committed in the capital and the surrounding area.

22. None the less, throughout the period in question, the Mission has been able to gather information regarding the situation in the interior through periodic three- to five-day field visits. Its Port-au-Prince offices have also been informed of human rights violations in other départements.

A. The human rights situation in the metropolitan area

23. The human rights situation in Port-au-Prince and the surrounding area during the past four months has been characterized by an unprecedented increase in violence and a marked resurgence in human rights violations over last year's totals. At the time of the Mission's deployment in 1993, the most widespread human rights violations were arbitrary arrest, illegal detention, torture, and other forms of cruel, inhuman or degrading treatment. Since its return, however, the Mission has noted an alarming increase in extrajudicial executions, suspect deaths, abductions, enforced disappearances, and politically motivated rapes.

1. Violations of the right to life

24. Between 31 January and 30 June, 292 cases of extrajudicial execution and suspect death perpetrated in Port-au-Prince and the surrounding area were brought to the attention of the Mission. This figure is no more than indicative of the seriousness of the situation. The Mission is aware that it receives only partial information concerning extrajudicial executions.

25. As in the past, investigations into extrajudicial executions and suspect deaths have been extremely difficult. The powerlessness of the legal authorities and the refusal of the police to cooperate have made it difficult to conduct investigations and to establish the identities of most victims. At best, the legal authorities have limited themselves to recording the death and closing the case. The police, for their part, have not demonstrated any willingness to attempt to identify and punish the guilty parties. The death registers at the city hospital morgue are not kept up to date. Families are not always informed when their relatives' bodies are found and, even when they are so informed, they do not always take the necessary steps with regard to the legal system or the police out of fear of reprisals or ignorance of the law. Under these circumstances, it is quite impossible for the Mission to confirm all the cases of which it is informed. During its investigations, the Mission makes inquiries of eyewitnesses, victims' relatives, the justices of the peace by whom the deaths were recorded, and members of the Haitian armed forces.

26. Under the Haitian criminal code, whenever a body is found, a justice of the peace must make a declaration after being notified of the case by the police. It is nevertheless clear, as the Mission noted in 1993, that the legal authorities not only fail to keep systematic records of such declarations (only 88 cases out of 292 were recorded) but, even when declarations are made, they are often incomplete and intentionally or unintentionally omit important details such as visible bullet or machete wounds and marks of blows.

27. Although violations of the right to life have been committed throughout the capital city, they have been particularly numerous in the working-class districts, which are perceived as most favourable to President Aristide. For example, of 77 offences recorded during the month of March, 44 were committed in Cité Soleil, the huge working-class district which is considered loyal to President Aristide. During the following months, the Mission noted that the focus of the repression had been transferred to other parts of the capital.

28. In the majority of cases, the victims are killed by bullets and their bodies left in the road. At times, people are executed in one place and their bodies abandoned in another. In a number of cases between 31 January and 30 June, the victims were assassinated with knives or machetes and, as observers noted, their bodies were often mutilated, a feature of the political repression in Haiti which the Mission had not previously encountered. While many executions have taken place at night, murderers do not hesitate to kill in broad daylight, in public places and before witnesses.

29. While the majority of assassinations have been attributed to unidentified armed civilians, in a number of cases they have been committed by members of the Haitian armed forces and attachés. Members of or sympathizers with FRAPH have

been directly implicated in several cases of extrajudicial execution. During the period covered by this report, the investigations conducted by the Mission have established the involvement and direct responsibility of members of the Haitian armed forces and attachés or members of FRAPH in 78 cases of violation of the right to life.

30. The perpetrators of such violations use both service-issue weapons and assault rifles and, at times, operate from vehicles with armed forces plates and communicate with each other by means of portable radios.

31. In the cases where the victims' identity has been established (154 out of 292), information received by the Mission indicates that 65 were members of working-class political or labour organizations or persons believed to be supporters of President Aristide. The large number of unidentified persons makes it impossible to establish the exact number of activists assassinated.

2. Violations of the right to integrity and security of the person

Enforced disappearances and secret detention centres

32. There has been an alarming increase in the practice of enforced disappearance in the metropolitan area during the period covered by this report. Between 31 January and 30 June, 131 cases of abduction and enforced disappearance were brought to the attention of the Mission. Of this number, 96 cases are political in nature: they concern members of grass-roots organizations and their families and, in at least one case, a magistrate and his brother. Of the 131 cases which the Mission has investigated, 42 victims reappeared after a period of secret detention and the bodies of 16 were found; as of the end of June, there was still no news of 73 people.

33. The Mission's information regarding these serious human rights violations is based on the reports of eyewitnesses to abductions and victims who reappeared, and on analysis and verification of facts which came to light during or after disappearances.

34. The accounts recorded by the observers are in agreement that the abductors are groups of unidentified armed civilians. These groups, which appear well-organized, sometimes use portable radios and often have photographs of the victims or their friends. Some witnesses and victims recognized among their assailants members of the armed forces, their armed civilian auxiliaries, or FRAPH militants. In general, the victims are abducted in the street or at their homes and are forced to enter private vehicles at gunpoint. Often, the abductors beat the victims at the time of the abduction, handcuff and blindfold them, and then take them to unknown destinations.

35. These destinations are sometimes barracks, but more often unofficial places of detention. Since resuming its activities, the Mission has received information regarding a large number of clandestine centres where the victims of enforced abductions are interrogated and imprisoned. Of the 42 victims who were released, 28 said that they had been held in clandestine detention centres. In

these centres, the interrogators attempt to obtain information regarding the structure, activities and membership of grass-roots organizations. The interrogations are almost always accompanied by torture and cruel, inhuman or degrading treatment. The information thus obtained is used to arrest, abduct or execute other activists in order to dismantle their organizations.

36. Despite the large number of disappearances and resulting attempts on life and physical integrity, neither the police nor the legal authorities have, as far as the Mission knows, made the slightest attempt to determine the circumstances of the disappearances, to find the people whose fate is unknown, or to identify and punish the guilty parties.

Arbitrary arrests, illegal detention, torture and cruel, inhuman and degrading treatment

37. A very large number of cases of arbitrary arrest and illegal detention have been reported to the Mission during the past four months. Most of these arrests were made during terror campaigns or manhunts against members of organizations which favour the return of President Jean-Bertrand Aristide. These arrests seem to be made preventively, their only basis being the "crime of pro-Aristide opinion". In many cases, those arrested had not begun to exercise their fundamental rights to freedom of expression, association and assembly. In some cases, the arrests appeared to be associated with the military authorities' announcement that terrorist groups had been discovered preparing to launch attacks.

38. The arrests are generally followed by torture or other forms of cruel, inhuman or degrading treatment inflicted on the victims by members of the Haitian armed forces or their auxiliaries. Whenever necessary, the Mission provided medical assistance to victims of violations of the right to physical integrity.

39. The observers have frequently approached the military and judicial authorities in an attempt to obtain more information regarding the cases of arbitrary arrest and illegal detention brought to its attention and to point out violations of the provisions of the Constitution and of Haitian law.

40. Since the Mission's return in late January, the military commanders have, in some cases, admitted to detaining individuals who were the subjects of investigations by the Mission. Usually, however, the military authorities have denied the presence of detainees in their barracks. In Port-au-Prince, in no case during the past four months have they allowed the observers access to the detainees, in flagrant violation of the terms of reference defining the Mission's mandate in Haiti. As for the legal authorities, on the only occasion when they responded to an illegal detention, they did so with an obvious unwillingness to administer justice with dispatch.

Politically motivated rape

41. During the entire period of its presence in Haiti in 1993, the Mission had recorded very little information regarding sexual abuses in general and, in particular, those committed by agents of the State, their auxiliaries, or

paramilitary groups. Since their return, between 31 January and 30 June the observers have received information concerning 76 cases of rape perpetrated in the capital city and the surrounding area. Those responsible for these attacks on the physical integrity and dignity of women are unidentified, armed civilians who terrorize the inhabitants of the working-class districts considered most favourable to the return of President Aristide. In 29 cases, the victims identified members of the Haitian armed forces, attachés or members of FRAPH as among those responsible for the rapes.

42. Forty victims were the wives, sisters or daughters of political activists sought by armed men who broke into their homes. In the absence of the husband or brother, the wives and sisters were raped by the assailants. Fourteen of the victims were themselves members of community organizations and appear to have been targeted for this reason. Rape has thus appeared in 1994 as a new weapon in the Haitian arsenal of repression.

43. Among the victims of which the Mission took note were 11 minors and a woman who was six months pregnant. The Mission was also informed of the practice of gang rape. Twenty-five cases of women raped by several men in succession have been reported to the observers. The Mission has provided medical assistance to the rape victims who have appeared at its offices.

3. Complete denial of the rights to freedom of expression and association of the majority of the population

44. The Constitution of the Republic of Haiti and the international treaties on human rights to which Haiti is a party recognize and protect freedom of expression, freedom of association, and the right to peaceful assembly. In practice, however, these freedoms are tolerated only selectively and are enjoyed only by certain segments of the population. The rights to freedom of expression and association are denied to members of grass-roots organizations which support a return to constitutional order. Violent repression, persecution and intimidation have caused many people to remain silent and to refrain from exercising their rights.

The right to peaceful assembly

45. In 1993, despite the hostility of the military authorities and the ensuing repression, the supporters of President Jean-Bertrand Aristide periodically organized public demonstrations and leaflet distributions. Since its return, the Mission has not noted any public meeting or demonstration of the segments of the population which support the President. On the other hand, the groups hostile to his return, such as FRAPH, enjoy every freedom and organize meetings or street demonstrations against the embargo and the political strategy of the international community.

Freedom of the press

46. While, in contrast to last year, very few open attacks on the freedom of the press were noted during the period covered by this report, the general climate of repression and terror hinders the free exercise of journalistic

activity and results in self-censorship. Pressure on journalists increased after the installation of the de facto Government of Mr. Jonassaint, who threatened to punish by imprisonment and fines anyone guilty by "speeches" ... "printed texts" (or) ... "words" of "rebellion" or "insult ... to any government official ...".

47. During a seminar organized on 3 May by the Groupe de réflexion et d'action pour la liberté de la presse (GRALIP), media professionals deplored:

> "The invasion ... of the media by violent, intolerant far right-wing political minorities;
>
> "The decrease and/or disappearance of popular expression in the media;
>
> "The systematic practice of selective self-censorship on certain topics of public interest;
>
> "The restriction of public freedom, which prevents the free movement of journalists with a view to gathering information".

48. The following examples are indicative of the threats to freedom of the press. On 1 February, armed civilians in search of a former journalist with Radio Haïti-Inter, who was also a political activist, abducted his brother. The victim's fate remains unknown.

49. On 4 February, during a demonstration organized by FRAPH, members of that organization attacked journalists whom they accused of being "Lavalas" and "Communists". A FRAPH leader's bodyguard then struck a journalist from Radio Caraïbes in the face. On 21 March, armed men in search of the same journalist raped his sister and beat his two cousins.

50. The Mission has noted that the Creole weekly, Libète, which had ceased publication because of persecution of its staff and vendors, is once again being distributed.

B. The human rights situation outside Port-au-Prince

51. Before the evacuation of its personnel in October 1993, the Mission had 11 offices outside the capital which kept it well informed of the human rights situation throughout Haiti.

52. Since their return last January, the observers have been stationed in Port-au-Prince, from which they regularly visit the départements in the interior. During the period covered by this report, the observers made visits of three to five days' duration to all the départements of Haiti with the exception of La Grande-Anse. That region was not visited because of its isolation and consequent refuelling difficulties.

53. After an initial series of visits that were intended to re-establish contact with the population and the authorities, and to collect information about the human rights situation, the Mission sent teams into the interior to

investigate specific violations of human rights brought to its attention, especially following allegations of clashes between the army and presumed rebel groups at Chantal (Sud) and Petit Bourg (Nord), and after the massacre at Raboteau (Gonaïves-Artibonite) and at Camp Perrin (Sud).

54. Nevertheless, the Mission is aware that the information contained in this section is incomplete and far from reflecting the real human rights situation in the areas studied. A permanent observer presence, like last year's, would have permitted fuller knowledge of the situation.

55. The small amount of information obtained by the Mission indicates that in the interior, as at Port-au-Prince, basic human rights are being trampled. The violations of human rights observed last year, such as arbitrary arrests, illegal detentions followed by torture and other forms of cruel, inhuman or degrading treatment, as well as threats, intimidation, extortions and ransoms have not only continued, but phenomena such as extrajudicial executions and massive destruction of property have attained alarming levels.

56. On the basis of information provided to the Mission, it is possible to conclude that basic human rights are being systematically violated in the rural areas, where the army auxiliaries, especially the rural police chiefs and their innumerable deputies, are engaging in multiple extortions from the populace, which is without recourse. This situation is aggravated by the emergence of FRAPH, which operates in conjunction with the Haitian armed forces in numerous localities. The Mission has received credible reports of violations committed by military personnel at the instigation of local FRAPH leaders.

57. The pretext of fighting armed rebel groups which were supposedly attacking avant-postes of the Haitian armed forces has on many occasions been used to justify massive human rights violations outside Port-au-Prince. In February, at Chantal (Sud), in April at Borgne (Nord) and Raboteau (Artibonite), in June at Camp Perrin (Sud), the army launched violent attacks on the civilian population. In the course of these indiscriminate operations, many people were arrested and detained, others were killed and property was looted or burned.

58. Although the Mission sent teams of observers to investigate these operations, it is not able to confirm the existence of an armed opposition made up of supporters of President Aristide. It feels that the authorities have been making accusations of terrorism in order to create a favourable climate for repression and for intimidating, indeed terrorizing, the population.

1. Extrajudicial executions and suspect deaths

59. The Mission was informed of 58 cases of extrajudicial executions and suspect deaths in interior départements between the months of February and June 1994. Most of these violations of the right to life were perpetrated in the départements of Artibonite and Ouest.

The massacre at Raboteau, Gonaïves, Artibonite

60. In the early hours of the morning of 22 April, military personnel from the barracks at Gonaïves wearing the uniform of the tactical unit surrounded the working-class quarter of Raboteau in search of M. Amio Métayer, a known leader of the working-class pro-Aristide movement. A group of soldiers attacked and looted the houses and beat the inhabitants who had been dragged from sleep. Those who fled towards the sea to escape the brutalities came under fire from another group of soldiers waiting on the shore. Travellers in boats on the water were also shot at.

61. The Mission was not able to establish the precise number of victims at Raboteau, as some of the corpses disappeared in the sea and others were buried in haste. It was nevertheless able to establish that at least 12 persons were executed. Among the victims were Pierre Michel alias "Jamais Dodo", Jean Claude Joseph, Val Valcin, Frédéric Dieuquivle, Jean-Robert Laguerre and a certain Nicolas. According to eyewitnesses, some corpses floating in the sea were washed ashore, while others were fished out. Military personnel and attachés prevented families from burying the victims and compelled the inhabitants to bury the corpses without a judicial certificate or autopsy. According to one witness, a woman who asked for permission to recover the corpse of her 13-year-old son to give it a decent burial was turned away.

62. According to the military authorities, the events at Raboteau were provoked by an alleged group of heavily armed terrorists led by Amio Métayer, who supposedly attacked the forward military post at Raboteau in order to stir up the population. This aggression supposedly provoked the response of the armed forces, which pursued the assailants as they fled towards the sea. The Mission found no bullet holes in the avant-poste at Raboteau, none of the presumed defenders of which was wounded, nor did it collect any testimony or other information capable of corroborating the military version of these events. All the eyewitness accounts collected indicate that it was the military who were at the origin of the events and of the massacre. The first incident took place on 18 April, when military personnel, accompanied by a local FRAPH leader, searched the residence of Amio Métayer and arrested, in his absence, his 65-year-old father. Four days later, the soldiers came back in greater numbers, firing shots and ransacking the houses. At least 10 houses were ransacked. A number of people were wounded by bullets in the course of the operation.

2. Violation of the right to integrity and security of the person

63. Several waves of arbitrary arrests and illegal detentions followed by torture or cruel, inhuman or degrading treatment have been perpetrated in the interior of the country during the past four months. The pretexts for these massive human rights violations were generally alleged rebel attacks on military positions and attempts by groups of persons to leave the country on board ramshackle boats to seek refuge in the United States. The complete denial of the most basic human rights is also at the origin of the violations. Entire groups of inhabitants have often been targeted, not for having exercised their

rights, but on suspicion of harbouring opinions favouring the return of the constitutional President.

64. The only exercise of the right to expression brought to the knowledge of the Mission was a posting of photographs of President Aristide on 15 May at Petit Goâve. This activity was followed by searches, directed by the commanding officer of the Petit Goâve barracks, of the houses of several members of democratic organizations. The rights of individuals, especially to physical integrity, have also been violated following personal conflicts "arbitrated" by cruel and mercenary rural police chiefs. The observers were allowed access only once to detainees (at Les Cayes in February).

A dozen persons in the Chantal-Le Prêtre zone, Département du Sud

65. At the beginning of February, numerous persons from the area of Chantal-Le Prêtre, Port-Salut and Les Cayes were arrested and accused of complicity with an alleged rebel group operating in the Département du Sud. According to military sources, an army reconnaissance patrol is said to have clashed on 2 February with a group of armed men hidden in a cave near Le Prêtre. The group is said to have fled after four or five hours of fighting, leaving behind weapons, ammunition and other matériel. There were no reports of dead or wounded. The military began arresting "accomplices" of the alleged rebels at Chantal and at Le Prêtre between 3 and 5 February. On 7 and 14 February, other persons were interrogated at Les Cayes and at Port-Salut and placed in detention. Numerous brutalities, especially beatings and house-burnings, were reported at the time of the arrests.

66. At least nine persons, among them M. Robert Anthony Italis, second magistrate of Chantal, were accused of assisting the rebels and transferred to the Gabion prison at Les Cayes. The team sent to the location by the Mission was unable to obtain any information confirming the accusations, nor of the existence of the rebel group. The observers were able to visit detainees in the Les Cayes prison and were able to establish that some of them bore scars. A woman was being detained in place of her husband, whom the military were searching for. She was freed following intervention by the Mission. All the other detainees were released several days later without having been brought before a judge.

Politically motivated rape

67. As at Port-au-Prince, the Mission received information on cases of rape in which the victims were close relatives of members of community organizations.

III. INTERNALLY DISPLACED PERSONS

68. The persistence of grave human rights violations has had a serious impact on the stability of Haitian society. The unpunished brutalities committed by members of the army and paramilitary groups create a climate of insecurity for the entire population. Many thousands of people are constrained to live away from their homes for fear of repression, thus breaking up the family unit. This situation has direct economic and social consequences. Peasants living

clandestinely cannot carry on their agricultural activities and have become non-productive. Groups of peasants cannot meet without running the risk of being accused of involvement in subversive or terrorist activities.

69. Operations carried out by the army against presumed rebels at Chantal (Sud), Borgne (Nord), Raboteau (Artibonite) and Camp Perrin (Sud) have led to massive displacements of people fleeing repression and whose property has been destroyed. The Mission has not been able to determine the precise number of internally displaced persons. The phenomenon is occurring in the towns as well as in the countryside, and people are moving from country to city as well as from city to country. The Mission has been able to determine that displacements from one area of the countryside to another have also occurred.

IV. VIOLATIONS OF THE RIGHTS OF CHILDREN

70. The serious human rights violations occurring in Haiti for many months have not spared children. Like adults, children are the victims of summary executions, of serious violations of their security and physical integrity, such as rape and bullet wounds, and of other forms of cruel, inhuman or degrading treatment.

71. The Mission received reports of 51 cases of human rights violations involving children between 1 February and 31 May. The age of the victims ranged from five months to 17 years. Close to half the cases occurred in the Cité Soleil working-class district. The perpetrators of these violations were generally unidentified armed civilians, although eyewitnesses were able to identify members of the Haitian armed forces and FRAPH among them. In 15 cases, the victims were the children or relatives (sisters, brothers, nieces, nephews, or cousins) of activist members of popular organizations, who became targets in the absence of their parents or in the course of their arrest. The Mission has also received reports of cases in which the mother was raped in the presence of her children. Cases of arrest and detention of parents accompanied by young children and babies have also been confirmed by the Mission.

72. The wave of repression which is striking Haitian society has considerable repercussions for the family and for children. Arbitrary arrests, enforced disappearances and extrajudicial execution contribute to the destabilization of the family unit and endanger the futures of children whose families are affected by human rights violations. The phenomenon of marronage (living in hiding) has also contributed significantly to making the Haitian family more fragile: in order to flee repression, threats and intimidation, thousands of Haitians are abandoning their homes to seek refuge in other regions. Since its return at the end of January, the Mission has received reports of 23 cases of extrajudicial executions, suspicious deaths and deaths following torture or cruel, inhuman or degrading treatment in which the victims were children.

V. RELATIONS WITH THE AUTHORITIES

A. The military authorities

73. Since its return at the end of January the Mission has, in accordance with the terms of reference which define its mandate in Haiti, sought to establish contact with the military authorities at all levels regarding the human rights situation. The authorities' reaction varied from region to region and according to rank. Using the non-renewal of the Mission's mandate as a pretext, certain military authorities at the national and regional levels refused any form of cooperation with the Mission, whose observers were described as "tourists". Others made clear their hostility to the Mission's presence, to the extent of denying it access to some regions of the country. Whereas the High Command of Haitian armed forces did not respond, at any point during the period, to requests to meet the Mission, local and regional commanders, on the other hand, in Port-au-Prince as well as in the provincial towns, did have meetings with its representatives. Thus the Mission was able to obtain directly from the military authorities their version of the facts relating to the activities of alleged rebel groups, as well as to several cases of human rights violations. However, observers were only once able to gain access to those imprisoned in barracks or in the national penitentiary, in violation of the terms of reference. In at least one case, the authorities proved unable to guarantee the security of the Mission in the face of a demonstration organized by FRAPH.

74. In 1993, members of the Mission had regularly approached the military authorities in order to free detainees, drawing attention to violations of the provisions of the law regarding detention for more than 48 hours without appearing before a judge and arrests without warrant or on the basis of an invalid warrant. The authorities' total lack of cooperation did not allow the Mission to accomplish that aspect of its terms of reference in 1994.

Intimidation of the Mission

75. Between 31 January and 30 June, members of the Mission were subjected to several acts of aggression and intimidation on the part of members of Haitian armed forces, their auxiliaries or members of FRAPH. The perpetrators of those acts sought to impede the Mission's activities by intimidating the observers.

76. During the night of 23 to 24 March, FRAPH Members organized a demonstration against the presence of five observers in the town of Hinche (Centre). A crowd of several dozen people sang and chanted slogans directed against the Civilian Mission and the international community, and threw stones at the hotel where the observers were staying. The continued agitated state of the demonstrators compelled the observers to leave the hotel. However, their departure from the town was blocked by soldiers from the Hinche avant-poste. A group of demonstrators then caught up with the observers and attacked and molested some of them, watched by the soldiers who made no effort to protect them.

77. On 19 April, a sergeant and some attachés surrounded, insulted and threatened two observers who had gone to the Delmas 33 (Port-au-Prince) police barracks to investigate human rights violations.

78. On 30 April, observers who were investigating the events in Bassin Caïman (Département du Nord) were the target of a demonstration of hostility, obviously pre-arranged, which took place in the present of a member of the army high command.

Obstruction of the observers' freedom of movement

79. On 27 May, five observers visiting the district of Belle Anse were stopped on entering Bodary by agitated soldiers who threatened to take them prisoner. Rebuking the observers for not having a travel permit from the officer commanding the Thiotte barracks, the soldiers forced them to return to Thiotte under escort. The commanding officer joined his subordinates in rebuking them, adding, however, that the observers could come back to the district.

80. On 30 April, members of the Haitian armed forces serving at the Petit Bourg avant-poste at Borgne (Nord) did not allow observers to continue their journey to investigate events that had been taking place in the Bassin Caïman since the first week of April.

81. On 30 May, other observers sent by the Mission to investigate allegations of human rights violations were sent back by soldiers from the Port-Margot avant-poste on the pretext that they had no travel permit from the commanding officer of the Limbé barracks.

B. The judiciary

82. The powerlessness of the judiciary and its inability to assume its responsibilities in the face of interference from the military authorities has weakened the institutional system for protection of human rights in Haiti. Members of the judiciary admitted to observers that in political cases, the judiciary cannot expect the military to respect constitutional procedures with regard to searches, arrest and detention.

83. In some cases, in order to give the impression of respecting the provisions of the law, Haitian armed forces requisitioned justices of the peace to be present at searches, but without the power to ensure that legal requirements were observed. In political "big cases", magistrates have not taken any initiative and have quite simply accepted their marginalization by the military. In cases of legal detention in connection with accusations of terrorism in Port-au-Prince and Borgne, magistrates have not intervened after the expiry of the legal limits of police custody and the non-appearance of detainees before the court.

84. Nevertheless, relations between the Mission and the judicial authorities have been correct. The Mission has regularly sought the intervention of judges and government commissioners to enforce respect for the law and protect human rights. In the two cases of detention following an accusation of terrorism, the examining judges ordered the dismissal of proceedings.

85. As in the past, representatives of the judicial authority continue to be subject to pressure, threats and acts of intimidation of all kinds from members of the Haitian armed forces, who in some cases have not hesitated to strike at the freedom and physical integrity of magistrates.

86. The surrogate judge of Grand Gosier (Sud-Est), Mr. Vallières Toussaint, was arrested and beaten by soldiers on 13 May. The judge of Saut d'Eau (Centre) was forced to flee in March to escape persecution. The Mission learned that several magistrates have been persecuted in the course of the campaign of violence begun in October after the failure of the process to re-establish constitutional order.

87. During its evacuation in the Dominican Republic, the International Civilian Mission made an analysis of the Haitian justice system informed by the experience acquired by the teams of the various Mission bases in Haiti.

VI. IMPACT OF THE MISSION

88. The Mission's abrupt departure in October 1993 gave rise to some disappointment among working-class and human rights organizations, not only regarding the Mission, but also with respect to the international community, which was perceived as responsible for the failure of the process of restoration of constitutional order. For example, the Gonaïves Justice and Peace Commission, a non-governmental organization which is, very active in the département of Artibonite, decided to suspend its relations with the Mission. However, the Mission's return has been favourably received by large sections of the population in Port-au-Prince as well as in the interior of the country. Its work in gathering examples of and denouncing human rights violations has gained it renewed credibility.

89. In a country where the judiciary does not function, victims of human rights violations turn to non-governmental organizations which lend them a sympathetic ear and, within the limits of their means, supply them with the necessary assistance. In this context, the International Civilian Mission appears to the victims of repression and their relatives as some kind of recourse from the purely arbitrary. The number of people who have reported human rights violations to the Mission's offices since the return of the observers shows that the Haitians have increasing confidence in the Mission. In order to respond to this situation and meet the expectations of the victims and their families more effectively, the Mission has instituted a programme of medical assistance which renders first aid to persons whose right to physical liberty has been violated, and channels them towards the appropriate specialists. A second programme provides victims with the necessary legal aid for them to obtain the assistance of a lawyer in their dealings with the judiciary.

VII. CONCLUSION

90. Haiti is experiencing an unprecedented human rights crisis. Human rights violations range from harassment to extrajudiciary executions (sometimes with mutilation of corpses), and include intimidation, financial extortion, arbitrary arrest, illegal detention, beatings and other forms of torture, rapes and enforced disappearances.

91. The political dimension of these violations is particularly striking in the case of enforced disappearances and rapes, where more than two thirds of victims are leaders of or activists in grass-roots political or working-class organizations or their relatives.

92. It is clear that the political oppression affecting the whole country is particularly concentrated in working-class districts (Cité Soleil in Port-au-Prince and Raboteau in Gonaïves) and in localities and zones (for example, Borgne and the area around Cayes) which are well known for their sympathy and support for President Aristide. Victims are often called "lavalassiens" (sympathizers of the President) even if they have no political affiliation.

93. It is becoming increasingly clear that the aim of the repression is to destroy the pro-democracy movement, and the associated working-class and peasant sector. Community organizations in the countryside and working-class districts which played a dominant role in the electoral victory of President Aristide are particularly targeted by the armed forces and the paramilitary groups.

94. It has become apparent that those responsible for the massive human rights violations enjoy some sort of protection from high-ranking military authorities, which, as far as the Mission is aware, have done nothing to put an end to the political violence and punish its perpetrators. The army high command bears all the responsibility for this.

Appendix I

EXTRAJUDICIAL EXECUTIONS AND SUSPECT DEATHS REPORTED TO THE MISSION

(31 January-30 June 1994)

	February	March	April	May	June	Total
Number of cases reported to the Mission	77	83	76	63	41	340
Number of confirmed cases	34	32	37	36	20	159
Place of violation:						
Port-au-Prince	44	33	43	37	30	187
Cité Soleil	27	44	10	18	6	105
Total in Port-au-Prince (including Cité Soleil)	71	77	53	55	36	292
Province						
Ouest	1	5	5	7	1	19
Artibonite	0	0	15	0	0	15
Centre	1	0	0	0	0	1
Nord	4	0	1	0	1	6
Sud	0	1	2	0	3	6
Sud-Est	0	0	0	1	0	1
Provincial total	6	6	23	8	5	48
Number of victims identified	34	20	44	36	20	154
Number of victims partially identified	9	7	3	1	3	23
Number of victims not identified	34	56	29	26	18	163
Number of executions in which members of the armed forces, FRAPH or civilian auxiliaries were implicated	22	13	26	13	4	78
Number of victims who were activists or relatives of political activists	20	9	12	12	12	65

	February	March	April	May	June	Total
Number of militants executed by members of the armed forces, FRAPH and/or civilian auxiliaries	14	4	3	5	2	28
Number of cases subject to report by justice of peace	19	17	26	20	6	88
Number of victims who were minors	5	7	3	6	2	23
Distribution by gender						
Men	71	76	67	57	37	308
Women	6	7	9	6	4	32

Source: International Civilian Mission established in Haiti by the United Nations and the Organization of American States, Investigation and Research Department.

Appendix II

KIDNAPPINGS AND ENFORCED DISAPPEARANCES REPORTED TO THE MISSION

(31 January-30 June 1994)

	Up to 28 February	March	April	May	June	Total
Total reported	18	27	33	24	29	131
Political	16	24	18	15	23	96
Released	6	9	11	6	10	42
Detained in a clandestine centre	5	7	4	5	7	28
Body recovered	2	3	6	2	3	16
Number of victims whose fate is unknown	10	15	16	16	16	73

Appendix III

RAPES REPORTED TO THE MISSION

(31 January-30 June 1994)

	February	March	April	May	June	Total
Number of cases of rape reported to the Mission	24	14	9	22	5	76
Persons committing the rape						
Members of the armed forces, of FRAPH and/or civilian auxiliaries	5	5	4	12	3	29
Armed civilians and/or *zenglendos*	19	9	5	10	2	47
Number of victims related to political activists	9	6	6	15	3	40
Number of victims who were activists	6	2	1	3	1	14
Number of gang rapes	5	2	3	12	3	25
Number of victims who were minors	5	3	0	3	0	11
Number of rapes followed by pregnancy	4	0	0	0	0	4
Place of rape						
Port-au-Prince	24	12	8	13	4	63
Provinces (total)	0	2	1	9	1	13
Centre	0	2	0	0	0	2
Sud	0	0	0	2	1	3
Nord	0	0	1	7	0	8

Source: International Civilian Mission established in Haiti by the United Nations and the Organization of American States, Human Rights Division.